Notice of Allowability		Application No.	Applicant(s)
Notice of Allowability   Examiner   Garald Gauthier   2645		00/707 087	MYERS ET AL
The MAILING DATE of this communication appears on the cover sheet with the correspondence address—All daims being allowable. PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith for previously mailed, a Notice of Allowance (PTOL-85) or other apporpriate communication will be mailed in due course. TH NOTICE OF ALLOWABILITY (S NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the init of the Office or upon polition by the applicant. See 37 CFR 1.313 and MPEP 1308.  1. ☑ This communication is responsive to 228/2005 Amendment.  2. ☑ The allowed claim(s) Is/are 33-50 and 52.  3. ☑ The drawings filled on 08 November 2000 are accepted by the Examiner.  4. ☑ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☑ All b) ☐ Some* c) ☐ None of the:  1. ☑ Certified copies of the priority documents have been received.  2. ☐ Certified copies of the priority documents have been received in Application No. ☐ 1. ☐ Certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).  **Certified copies not received: ☐ Applicant has THREE MONTHS FROM THE *MAILING DATE* of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.  5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the cath or declaration is deficient.  6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.  (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached  1) ☐ hereto or 2) ☐ Pager No./Mail Date ☐ 1. ☐ hereto (PTO-152) which gives reason(s) why the cath or declaration is deficient.  Attachment(s)  1. ☐ DEPOSIT OF and/or INFORMATION about the d	Notice of Allowability		
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## **DETAILED ACTION**

## Allowable

1. Claim(s) 33-50, 52 and 55 are allowed.

2. The following is an examiner's statement of reasons for allowance:

Regarding **claim(s) 33, 34 and 55**, the prior art of record fails to disclose or specifically suggested determining if the subscriber is a personal communications subscriber and if so, maintaining a presence on the data network for forwarding instance messages to the subscriber and if not, presenting to the subscriber a subset of a predetermined user list, the subset representing users logged onto the data network.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

## Conclusion

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gerald Gauthier whose telephone number is (571) 272-7539. The examiner can normally be reached on 8:00 AM to 4:30 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GERALD GAUTHIER
PATENT EXAMINER

July 5, 2005

CREIGHTON SMITH

aughton Smith